

November 6, 2008

**Update for the Release of Information for Communicable Disease Investigations Rulemaking
Arizona Administrative Code (A.A.C.), Title 9, Chapter 6, Article 1, R9-6-102**

Arizona Revised Statutes (A.R.S.) § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The current R9-6-102 addresses the release of protected health information to the Department or a local health agency when the information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability.

In investigating many types of communicable diseases, the Department or a local health agency may require information that is not protected health information. The rulemaking clarifies that the information that is required to be released to the Department or a local health agency when the Department or local health agency is investigating a communicable disease includes more than protected health information. For instance, in investigating a food-borne disease, the Department or a local health agency may require information from food suppliers or retail stores. In investigating a case of Legionnaire disease at a hotel, the Department or a local health agency may require information about the guests of the hotel at the time.

The Department has submitted a [Notice of Proposed Rulemaking](#) to amend R9-6-102, which was published in the *Arizona Administrative Register* on September 12, 2008. The Oral Proceeding for this rulemaking was held on October 14, 2008 with no written or oral comments received by the Department. A Notice of Final Rulemaking was submitted to the Governor’s Regulatory Review Council (GRRC) and will be reviewed at the December 2, 2008 GRRC meeting.